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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,488	11/28/2001	Stacy Scott	P12699-PUSBN	2701
7590 03/24/2004 Sidney L. Weatherford 6300 Legacy Drive MS/EVW2-C-2 Plano, TX 75024			EXAMINER MEHRA, INDER P	
			ART UNIT 2666	PAPER NUMBER 3
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/996,488

Applicant(s)

SCOTT ET AL.

Examiner

Inder P Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This is in response to application dated: 11/28/01.

***Specifications***

2. The disclosure is objected to because of the following informalities:

Refer to page 18, paragraph 0040, line 3, Change MG2 to MG3.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6, 8 9, 11, 13-16, 19 and 21-26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 6 recites the limitation "said threshold value" in line 4. There is insufficient antecedent basis for this limitation in the claim.

b. Claims 8 and 9 recite the limitation "said network" in \*\*\*. There is insufficient antecedent basis for this limitation in the claim

c Claim 11 recites the limitation "said virtual terminations" in line 3. There is insufficient antecedent basis for this limitation in the claim.

d. Claim 13 recites the following limitations:

"said virtually terminated SVC" in lines 4, 6 and 9;

There is insufficient antecedent basis for this limitation in the claim.

c. Claim 14 recites the limitation "said virtually terminated SVC" in line 3. There is insufficient antecedent basis for this limitation in the claim.

d. Claim 15 recites the limitation "said virtually terminated SVC" in line 2. There is insufficient antecedent basis for this limitation in the claim.

e. Claim 16 recites the limitation "said threshold value" in line 4. There is insufficient antecedent basis for this limitation in the claim.

f. Claim 19 recites the limitation "said second switch fabric" in line 9. There is insufficient antecedent basis for this limitation in the claim.

g. Claim 21 recites the following limitations:

"said virtually terminated SVC" in lines 3, 6 and 8;

" said one of a plurality of dummy addresses" in line 7;

"said end user " in line 6;

"said one of a plurality of dummy addresses" in lines 7-8;

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There is insufficient antecedent basis for this limitation in the claim.

h. Claim 22 recites the limitation "said virtually terminated SVC" in line 4. There is insufficient antecedent basis for this limitation in the claim.

i. Claim 23 recites the limitation "said virtually terminated SVC" in line 4. There is insufficient antecedent basis for this limitation in the claim.

j. Claims 24 and 25 recites the following limitation:

"said media gateway" in line 1;

"said threshold value" in line 4

There is insufficient antecedent basis for this limitation in the claim.

k. Claim 26 recites the following limitation:

"said first and second switch fabric" in line 13;

"said virtual termination addresses" in line 23;

"said virtually terminated SVC" in line 24.

There is insufficient antecedent basis for this limitation in the claim.

l. Claims 24 and 25 are duplicate claims.

Appropriate correction or clarification is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Luong** (US Patent No. 6,314,105) in view of **Fendick et al** (US Patent No. 6,252,857), hereinafter, Fendick.

For claims 1-5, 7, 10-15, 19-23 and 26, Luong discloses, “a method for transmitting packet data, refer to, “methods and apparatuses for routing data”, col. 1 lines 6-10, comprising the steps of:

- monitoring packet data transmission traffic between a first switch and a second switch, refer to, “a bit rate of data packets ----is measured” in abstract, refer also to col. 3 lines 45-50, col. 4 lines 15-18 and col. 48-55;
- receiving a request from an end user to transmit from said first switch to said second switch, refer to, “router A –sends out ---request packet”, col. 2 lines 4-15, col. 8 lines 20-25;
- assigning said end user to said first end of said SVC, refer to 128 and 102 in fig. 1A.
- Utilizing a predetermined threshold value to determine whether to add additional virtual circuits---, **as taught by claims 2, 5, 11-12, 14, 20, 22 and 26**, refer to col. 2 lines 25-30, figs. 2A , 2B (steps 210 and 214), col. 2 lines 40-53, col. 3 lines 24-27, col. 3 lines 50-55 and col. 4 lines 19-25;

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- receiving a disconnect signal from one of said end users; disconnecting of said first and second end users from said SVC; connecting said first and second end of said to said virtual termination addresses; tearing down said virtually terminated SVC if said packet data transmission drops below a predetermined level, **as taught by claims 3-4, 13, 15, 21, 23 and 26**, refer to col. 3 lines 59-65 and col. 2 lines 60-65.

Luong does not disclose explicitly, “establishing a switched virtual circuit (SVC) wherein a first end of said SVC-----is assigned a virtual termination address,-----address is one of a plurality of -----dummy addresses created in said first switch fabric”, **as taught by claims 3, 7, 13, 21 and 26**;

Fendick discloses, “establishing a switched virtual circuit (SVC) wherein a first end of said SVC-----is assigned a virtual termination address,----- the address is one of a plurality of -----dummy addresses created in said first switch fabric”, refer to, “the sender can cache the destination address”, col. 5 lines 10-18.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of assigning dummy addresses, adding SVCs’ during heavy traffic, and tearing down circuits after traffic being less than second lower threshold. The capability can be implemented by combining the system as taught by Fendick at the user network interface (Media gateway). The suggestion/motivation to do so would have been to maintain SVC circuits for eventual use by the end users.

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For claims 6, 16 and 24-25, Luong discloses, "wherein said media gateway controller maintaining a predetermined number of virtually terminated SVCs until said transmission traffic exceeds said threshold value", refer to col. abstract and col. 3 lines 63-67.

For claims 8-17, Luong discloses, "wherein said network is a telecommunication network, refer to "communication" fig. 5, col. 9 lines 20-25, and "communications" col. 9 lines 45-50;

For claims 9 and 18, Luong discloses, "wherein said network is a computer network", refer to "personal computer" col. 6 lines 36-38, "processor" col. 9 line 40-41 and "processor" col. 9 line 40-41.

#### ***Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Morris et al (US Patent No. 6,275,493) discloses a method and apparatus for pre-establishing and managing SVC and switch cross connection.

#### ***Conclusion***

8. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.



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If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 972-9306

Hand -delivered responses should be brought to Crystal Park II, 2121 Crystal drive,  
Arlington, VA, sixth floor (Receptionist).

  
Inder Mehra

March 7, 2004



DANG TON  
PRIMARY EXAMINER